

REMARKS

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicants amend claims 1-3, 5, 8-10, and 12 to further clarify the invention. These amendments are clearly supported by Figure 5 and throughout the specification, e.g., page 10 (at paragraph 22) and page 19 (at paragraph 42).

Claim Rejections - 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-14 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6069857 to Schell (hereinafter "Schell"). Applicants submit that the claims are patentable.

Claim 1

For example, claim 1 recites a host device an NG table and a control means. The NG table stores addresses of a bulk memory and information showing whether or not data can be written into an area of said bulk memory specified by an address. The control means writes data in an area of the bulk memory specified by a writable address of said NG table when a performance-guaranteed environment determination means determines that the current environment is outside the performance-guaranteed environment.

Previously, Applicants argued that Schell does not teach a host device comprising the alleged NG table (defect table), as required by independent claim 1. In contrast, Schell's defect table is written to a portion of the optical disc itself, rather than being stored in a host device which controls writing of data on the optical disc.

In response, the Examiner cites paragraph 370 (i.e. col. 85, lines 46-54), which discloses that the defect management module creates the defect table and writes the defect table to a portion of the media.

However, the portion cited by the Examiner discloses that Schell's defect table only indicates defective portions of the media which hardware devices do not attempt to access. Schell is silent about indicating any writable addresses in the defect table. Thus, Schell does not teach or suggest a control means which writes data in an area of the bulk memory specified by a writable address of the alleged NG table (defect table).

Because Schell does not teach all of the features of claim 1, Applicants submit that the claim is not anticipated by Schell and respectfully request withdrawal of the rejection.

Claims 2-5

Applicants submit that claims 2-5 are patentable at least by virtue of their dependency on claim 1. Thus, withdrawal of the rejection is respectfully requested.

Claim 6

Previously, Applicants argued that Schell does not teach that if the verification checking means determines that the data which have been written into the area does not match the data acquired by said data acquisition means, the data writing means writes the data acquired by said data acquisition means into an area of said bulk memory which is specified by a different address, as recited by claim 6. In contrast, Schell discloses that if a fault is detected in executing

a function, the function is attempted again (col. 84, lines 5-9). After a certain number of retries, the function is aborted, a failure notice is returned, and a sense code qualifier indicates where the failure occurred (col. 84, lines 19-20). Thus, Schell does not teach that subsequent attempts to execute the function occur at a different address.

The Examiner seemingly ignores the above argument. Because Schell does not teach all of the features of claim 6, Applicants submit that the claim is patentable. Applicants submit that claim 6 is also patentable at least by virtue of its dependency on claim 1.

Claim 7

Because claim 7 is dependent on claim 1, Applicants submit that the claim is patentable at least by virtue of its dependency.

Claim 8-14

Claim 8 recites features which are similar to the features discussed above in conjunction with claim 1. Thus, Applicants submit that claim 8 is patentable at least for reasons analogous to those discussed above regarding claim 1. Applicants also submit that claims 9-14 are patentable at least by virtue of their dependency on claim 8. Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 10/540,159

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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